

ATTACHMENT 56

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2 THE VIDEOGRAPHER: Good 09:03:47

3 morning. We are going on the 09:03:49

4 record at 9:03 a.m. on Monday, 09:03:50

5 March 20, 2023. Please note that 09:03:54

6 this deposition is being conducted 09:03:57

7 virtually. Quality of recording 09:03:59

8 depends on the quality of camera 09:04:02

9 and internet connection of 09:04:03

10 participants. What is seen from 09:04:05

11 the witness and what is heard on 09:04:07

12 screen is what will be recorded. 09:04:10

13 Audio and video recording will 09:04:12

14 continue to take place unless all 09:04:12

15 parties agree to go off the record. 09:04:12

16 This is media unit one of the 09:04:12

17 video recorded deposition of 09:04:18

18 Dr. Russell Lamb in the matter of 09:04:18

19 Surgical Instrument Service 09:04:25

20 Company, Incorporated versus 09:04:25

21 Intuitive Surgical, Incorporated, 09:04:27

22 filed in the United States District 09:04:30

23 Court, northern district of 09:04:33
24 California, district of San 09:04:34
25 Francisco, case number 09:04:37

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2 3:21cv03496VC. 09:04:37
3 This deposition is being 09:04:44
4 conducted remotely using virtual 09:04:45
5 technology. My name is Chelsea 09:04:47
6 Gilchrist, representing Veritext 09:04:51
7 Legal Solutions, and I am the 09:04:54
8 videographer. The court reporter 09:04:55
9 is Jeremy Richman from the firm 09:04:55
10 Veritext Legal Solutions. I am not 09:04:57
11 authorized to administer an oath, I 09:05:00
12 am not related to any party in this 09:05:03
13 action, nor am I financially 09:05:06
14 interested in the outcome. 09:05:09
15 All appearances will be noted 09:05:12
16 on the stenographic record. Will 09:05:14
17 the court reporter please swear in 09:05:16
18 the witness. 09:05:17
19 RUSSELL LAMB, having been 09:05:22
20 called as a witness, having first 09:05:22

18 writing fast enough. 09:37:42
19 A. Repairers -- third-party 09:37:46
20 repairers (such as SIS). 09:37:50
21 Q. Okay. So further evidence 09:37:53
22 indicates that these third-party 09:37:59
23 repairers (such as SIS) operate on a 09:38:00
24 national basis? 09:38:06
25 A. Correct. 09:38:07

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2 Q. Okay, thank you. Other than 09:38:08
3 those two, anything else that you would 09:38:13
4 like to correct today? 09:38:15
5 A. Not as I sit here at this 09:38:16
6 moment, no. 09:38:20
7 Q. In you see something today, 09:38:21
8 please feel free to speak up as we go 09:38:23
9 through your report, okay? 09:38:27
10 A. Okay. 09:38:30
11 Q. So I'd like to ask you a few 09:38:30
12 questions about the opinions you're 09:38:33
13 offering in the case? 09:38:35
14 A. Okay. 09:38:35
15 Q. So are you offering any 09:38:36

16 opinions in this case about the safety 09:38:37
17 of the EndoWrist services that 09:38:40
18 third-party companies like SIS perform? 09:38:42
19 A. That would be beyond the 09:38:49
20 scope of my expertise, I'm not offering 09:38:53
21 any opinions about safety. 09:38:55
22 Q. Are you offering any opinions 09:38:57
23 as to whether FDA clearance is required 09:38:58
24 for the services that third-party 09:39:01
25 companies like SIS perform? 09:39:06

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2 A. No, that would be beyond the 09:39:07
3 scope of my expertise. 09:39:09
4 Q. Are you offering any opinions 09:39:13
5 about the number of times that an 09:39:14
6 EndoWrist instrument can be used 09:39:17
7 safely? 09:39:20
8 A. No, that would require an 09:39:20
9 opinion about safety, and I'm not 09:39:25
10 offering any opinions about the safety 09:39:27
11 of EndoWrist instruments. I would note 09:39:29
12 just for the record that I somewhere in 09:39:32

13 my report discuss the number of uses 09:39:34
14 that Intuitive permitted for the 09:39:39
15 EndoWrist instruments, it changed from 09:39:48
16 ten, which I think is essentially 09:39:51
17 across the board to slightly more uses 09:39:52
18 for EndoWrist instruments and I discuss 09:39:56
19 that somewhere in my report, but that's 09:39:57
20 just a recitation of a fact from based 09:40:00
21 on a document, it's not an opinion. 09:40:02
22 Q. In forming your opinions in 09:40:04
23 your report of the SIS case, did 09:40:14
24 counsel provide you with any 09:40:16
25 assumptions that they asked you to make 09:40:18

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2 for your opinions? 09:40:20
3 A. I can't recall any as I sit 09:40:25
4 here today. 09:40:27
5 Q. In reaching your opinions in 09:40:35
6 this case, is it relevant to you what 09:40:42
7 the opinions are of hospitals regarding 09:40:46
8 the services that the third-party 09:40:48
9 repairers provide? 09:40:53
10 A. I'm not sure what you mean by 09:40:54